

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the Examiner's rejection of the above-identified application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1, 3 and 4 are in the application. Claims 6 and 7 have been canceled. No new matter has been added.

The Examiner rejected claims 1, 3, 4, 6 and 7 under 35 U.S.C. 102 or 103 as being anticipated by or obvious in view of EP 0030820 (Harrenstein et al). Applicant respectfully traverses.

The present invention provides an aerosol composition comprising a paint material that is compatible with a propellant consisting of propane and butane with a weight ratio of paint material and hardener to propellant between 75:25 and 70:30. The composition reaches a spray rate of 20 to 22 spray-ready material within 10 seconds after initiating spraying from the spray can (cf. p. 4, 3rd paragraph in connection with p. 8, 3rd paragraph of the present application).

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This object is solved by a composition according to claims 1 and 4, i.e. by an aerosol composition comprising a paint material of acrylic resin containing OH-groups, wherein

1. The acrylic resin has no styrene and an OH-number of less than 150 (claim 1) or
2. The acrylic resin comprises styrene and has an OH-number of between 130 and 140 (claim 4).

None of these compositions is taught or suggested by
Barrenstein et al.

Barrensten et al. discloses a method for the preparation of two component polyurethane lacquers, in which a prepolymer containing hydroxyl groups and being dissolved in an organic solvent is filled together with a propellant into a first container, and a hardener component on the basis of a polyisocyanate comprising 10 to 25 wt.% NCO groups and being dissolved in an organic solvent is filled together with a propellant into a second container. One of the components is transferred from its container into other container and is mixed with the other component. Suitable prepolymers are copolymers with 1 to 7 wt% hydroxyl groups based upon styrene, vinyltoluene, methacrylic acid esters and/or acrylic acid esters with a C₁ to C₆ alcohol residue as well as hydroxyalkyl acrylates and/or

methacrylates with a C₂ to C₄ alcohol residue or mixtures of these copolymers.

However, all compositions disclosed in Barrenstein must contain acrylic resins including styrene as a monomer. Moreover, according to p. 6, line 24 to p. 7, line 7 of Barrenstein, only prepolymers containing 1-2 wt % hydroxyl groups (corresponding to an OH number between 33 and 66) are compatible with a propellant consisting of propane/butane, whereas prepolymers with an OH-number of more than 66 are only compatible with dimethyl ether or a mixture of dimethyl ether and propane/butane as a propellant. Even compositions comprising prepolymers with between 1 and 2 wt% hydroxyl groups may only be mixed with a propellant consisting of propane and butane up to a ratio between basic lacquer component and propellant of 70:30 at most (cf. p. 7, lines 25-27).

Consequently, the compositions disclosed by Barrenstein et al. differ from those according to claim 4 of the present invention with regard to the OH number of the acrylic resins employed, namely 33 to 66 on the one hand and 130 to 140 on the other hand, and from those according to claim 1 of the present

invention with regard to the styrene content of the acrylic resins employed.

Due to the explicit teaching of Barrenstein that aerocol compositions comprising paint material containing acrylic resins with more than 2 wt% OH groups (corresponding to an OH number of more than 60) are not compatible with a propellant consisting solely of propane and butane but only compatible with dimethyl ether, i.e., a propellant including a dimethyl ether, this reference leads away from a composition according to claim 4, which claims acrylic resins with an OH number of between 130 and 140, instead of suggesting or even anticipating such a composition. Likewise, Barrenstein does not contain any hint that a composition comprising an acrylic resin providing an OH number of up to 150 is compatible with a propellant consisting exclusively of propane and butane. If the resin does not contain any styrene as mentioned in claim 1 of the present invention, let alone that such a composition is compatible with such a propellant up to a ratio of component/propellant of 75:25.

Accordingly, Applicant submits that claims 1, 3 and 4 are patentable over the prior art, taken either singly or in

combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,

PETER KWASNY - 2



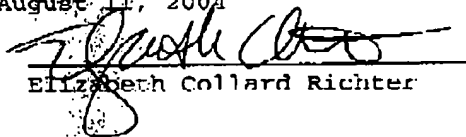
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ECR/ecr/jc

Allison C. Collard, Reg.No.22,532
Edward R. Freedman, Reg.No.26,048
Elizabeth Collard Richter, Reg.No.35,103
Attorney for Applicants

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Fax No. 703-872-9310

I hereby certify that this correspondence is being sent by facsimile transmission to the Assistant Commissioner for Patents, Washington, D.C. 20331, on August 11, 2004


Elizabeth Collard Richter

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